

# PUBLIC NOTICE



**US Army Corps  
of Engineers  
Kansas City District**

**Public Notice No. 2007-616  
Issue Date: June 5, 2007  
Expiration Date: July 5, 2007**

**30-day Notice**

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**ACTION AGENCY:**

Kansas City District, Corps of Engineers  
700 Federal Building  
Kansas City, Missouri 64106-2896

**APPLICANT:**

Tri-County Kansas Drainage District No. 1  
Mr. Laird French, President  
330 NW Carlson Rd.  
Topeka, Kansas 66615

**PROJECT LOCATION** (As shown on the attached drawings): The proposed repair in the Tri-County Kansas Drainage District No. 1 – Section 2 is located along the right descending bank (RDB) of Cross Creek, in Section 9, Township 11 south, Range 13 east, Shawnee County Kansas.

The proposed repair in the Tri-County Kansas Drainage District No. 1 – Section 3 is located along the left descending bank (LDB) of Cross Creek, in Section 10, Township 11 south, Range 13 east, Shawnee County Kansas.

**AUTHORITY:** P.L. 84-99 of the Flood Control Act of 1944.

**ACTIVITY** (As shown on the attached drawings): **PROPOSED WORK:** The applicant has requested project authorization and funding from the U.S. Army Corps of Engineers under Public Law 84-99 of the Flood Control Act of 1944 for construction to repair two sections of levee damaged by high flows in an October 2005 flood event. Project cost under this program are 80% Federal and 20% applicant.

The Tri-County Kansas Drainage District No. 1 – Section 2 consists of approximately 34,560 linear feet of earthen flood control works (FCW) located on the LDB of the Kansas River between river mile 105.6 and 102.7, LDB of Bourbonais Creek and RDB of Cross Creek near the town of Rossville, Shawnee County, Kansas. The FCW protects approximately 5,482 acres. The level of protection for this levee is estimated to exceed the 10-year flood event. As a result of the October 2005 flood event severe foreshore erosion occurred riverward of levee station 318+20 to 322+20 and the FCW suffered intermittent damage along the riverside levee toe slope from stations 319+60 to 319+85 and 320+60 to 320+90. The recommended repair consists of repair of the lost foreshore area and intermittent riverside levee toe slope (sta. 319+60 to 319+85 and 320+60 to 320+90, with an approximate 790-linear-foot-long landward levee setback. The repair would require 8,100 cubic yards of earthen material obtained from the existing damaged levee section and nearby borrow areas. Construction areas would be seeded and mulched.

The Tri-County Kansas Drainage District No. 1 – Section 3 consists of approximately 33,040 linear feet of earthen FCW located on the LDB of the Kansas River between river mile 102.7 and 96.2, LDB of Cross Creek and RDB of Ensign Creek near the towns of Rossville and Silver Lake, Shawnee County, Kansas. The FCW protects approximately 4,009 acres. The level of protection for this levee is estimated to exceed the 10-year flood event. As a result of the October 2005 flood event severe foreshore erosion occurred riverward of levee station 0+00 to 9+50 and the FCW suffered intermittent damage along the riverside levee toe slope from stations 1+90 to 2+40 and 3+60 to 3+90. The recommended repair consists of repair of the lost foreshore area and intermittent riverside levee toe slope (sta. 1+90 to 2+40 and 3+60 to 3+90, with an approximate 1,000-linear-foot-long landward levee setback. The repair would require 10,300 cubic yards of earthen material obtained from the existing damaged levee section and nearby borrow areas. Construction areas would be seeded and mulched.

**DRAWINGS:** The attached drawings provide location details of the proposed project.

**ADDITIONAL INFORMATION:** Additional information about this notice can be obtained by writing **Mr. David R. Hoover, National Disaster Program Manager, Emergency Management Branch, 700 Federal Building, 601 East 12<sup>th</sup> Street, Kansas City, Missouri 64106** or by calling **816-389-3497 (FAX 816-389-2036)**.

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1968, as amended:** The Corps has made a preliminary determination that the proposed project would not result in significant degradation of the human environment and therefore the proposed project would support a Finding of No Significant Impact (FONSI). The Corps will utilize comments received in response to this Public Notice to complete our evaluation of the project for compliance with the requirements of NEPA, and other Federal, state, and local regulations.

**OTHER ALTERNATIVES CONSIDERED:** The Corps is evaluating the In-place Repair Alternative and the “No Action” Alternative but has made a preliminary determination that the Levee Setback Alternative, as described above, represents the most economically viable and environmentally sound alternative identified.

**WETLANDS and WATERS OF THE UNITED STATES:** No wetlands would be affected by the proposed project. No dredged or fill material would be discharged in a Water of the United States. Therefore, no authorization under Section 404 of the Clean Water Act of 1972, as amended, is required.

**PROPERTY ADJACENT TO PROJECT AREA:** The Project Sponsor owns or has secured easements or right of ways on the property where the project would be constructed and borrow areas. Adjacent areas are in private ownership.

**CULTURAL RESOURCES:** A Programmatic Agreement regarding implementation of the Public Law 84-99 program in Missouri, Kansas, Iowa and Nebraska was signed by the Advisory Council on Historic Preservation, the Kansas City District and the four State Historic Preservation Offices (SHPO) during the Flood Event of 1993. After review of materials from a previous cultural resources investigation by a qualified archaeologist in 1993 and previous coordination with the SHPO, it was determined that the proposed borrow area is located within previously cleared/approved borrow area sites; therefore, additional site investigations and coordination efforts are not required.

**ENDANGERED SPECIES:** In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

**FLOODPLAINS:** This recommended plan is located in the base floodplain and subject to Executive Order 11988, "Floodplain Management". The recommended plan would restore the level of flood protection that existed prior to the flood. In addition, since the proposed levee repair would restore this levee to its near original alignment and pre-flood grade and cross section, no increase in floodwater surface elevations would occur. As the recommended plan would not directly or indirectly support more development in the floodplain or encourage additional occupancy and/or modification of the base floodplain, the Corps has determined that the recommended plan complies with the intent of Executive Order 11988.

**WATER QUALITY CERTIFICATION:** Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. Since the proposed project would not involve a discharge of dredged or fill material in a Water of the United States a Section 401 Water Quality Certification is not required.

**PUBLIC INTEREST REVIEW:** The decision to authorize the proposed project will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

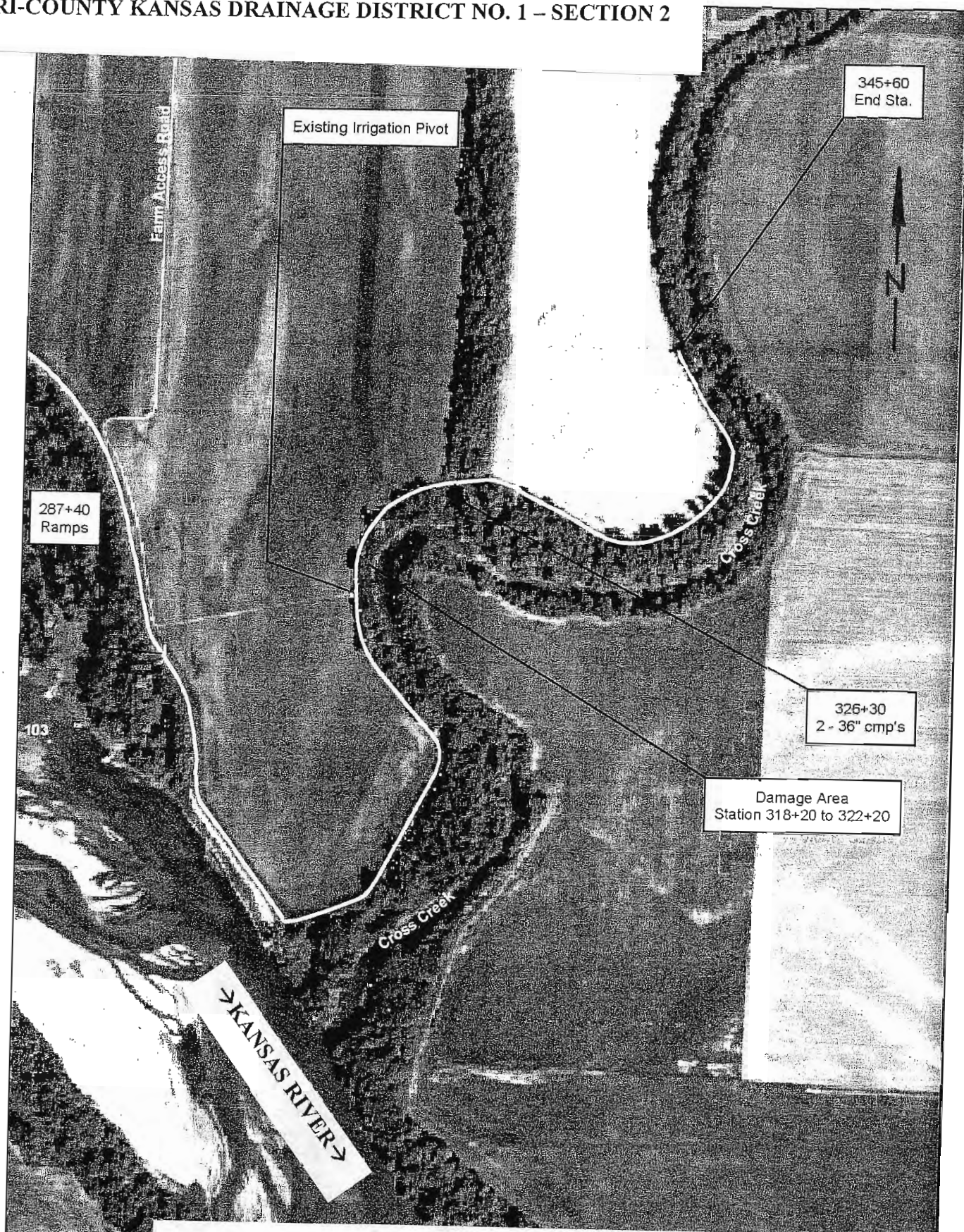
**COMMENTS:** This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if authorization of the proposed project would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the

public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration by the Corps. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to ATTN: OD-E (Hoover), U.S. Army Corps of Engineers, 700 Federal Building, 601 E. 12<sup>th</sup> St., Kansas City, MO 64106. Further information may be obtained by calling David Hoover, Emergency Management Specialist at (816) 389-3497 or by e-mail at david.r.hoover@nwk02.usace.army.mil.

**PUBLIC HEARING:** Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.



TRI-COUNTY KANSAS DRAINAGE DISTRICT NO. 1 - SECTION 2



APPLICATION NO. 2007-616

ACTION AGENCY: U.S. ARMY CORPS OF ENGINEERS

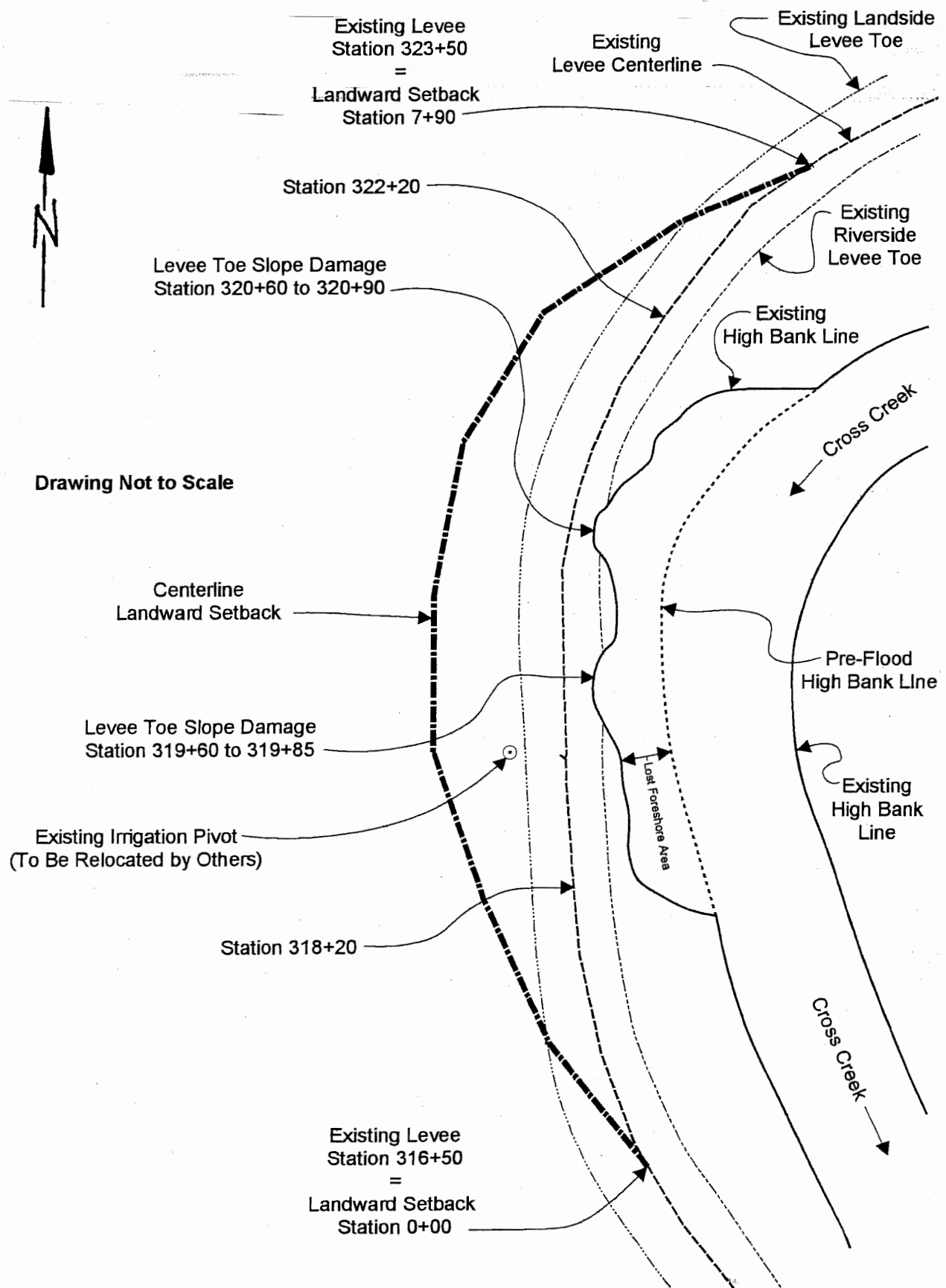
APPLICANT: TRI-COUNTY KANSAS DRAINAGE DISTRICT NO. 1

PROJECT: EARTHEN LEVEE REPAIR / P.L. 84-99

LOCATION: LDB and RDB of CROSS CREEK, SHAWNEE COUNTY, KANSAS

PAGE 2 of 7, DATED 11 MAY 2007

# TRI-COUNTY KANSAS DRAINAGE DISTRICT NO. 1 – SECTION 2



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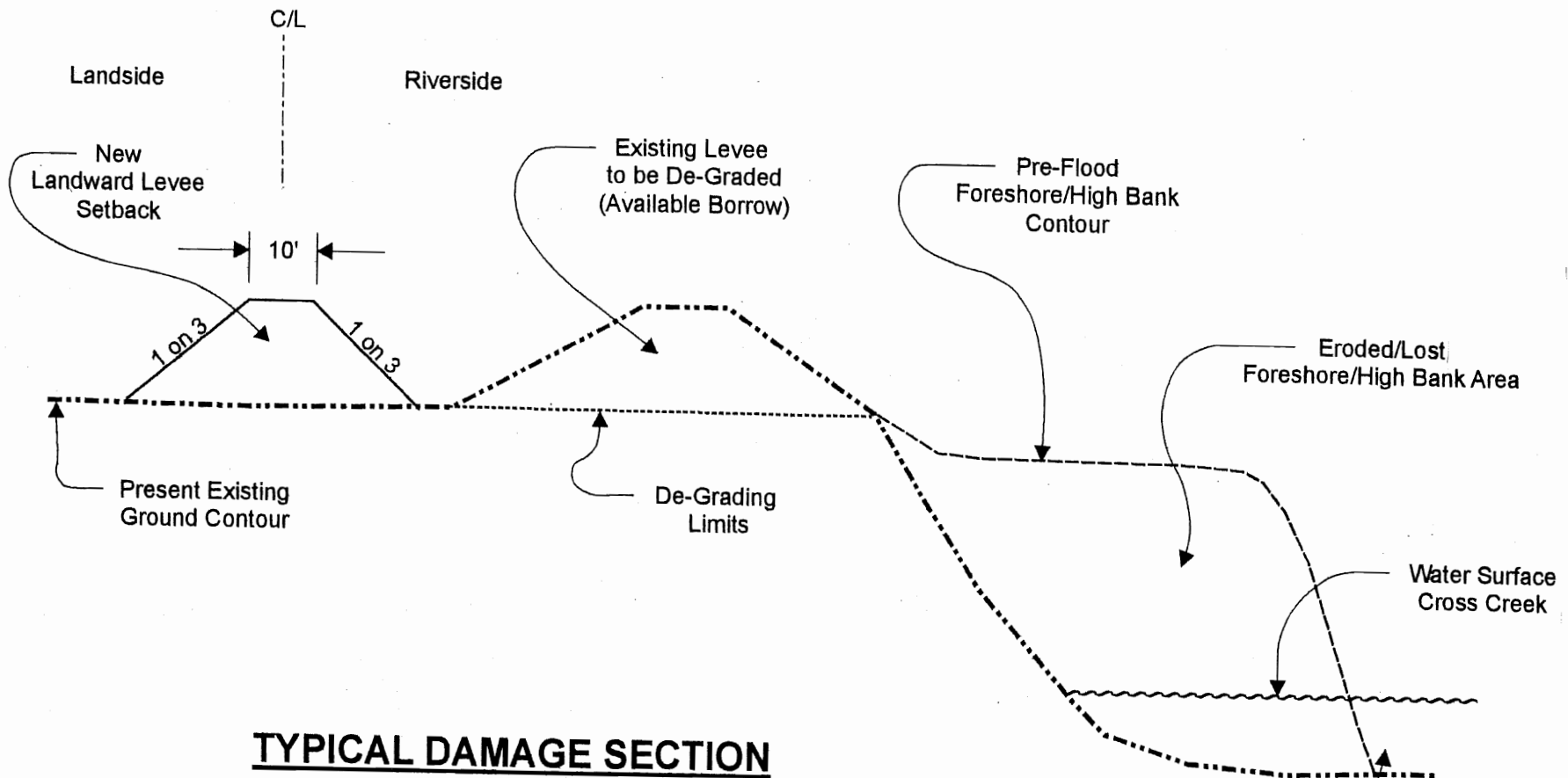
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APPLICANT: TRI-COUNTY KANSAS DRAINAGE DISTRICT NO. 1

PROJECT: EARTHEN LEVEE REPAIR / P.L. 84-99

LOCATION: LDB and RDB of CROSS CREEK, SHAWNEE COUNTY, KANSAS

PAGE 3 of 7, DATED 11 MAY 2007



## TRI-COUNTY KANSAS DRAINAGE DISTRICT NO. 1 – SECTION 2

Drawing Not to Scale

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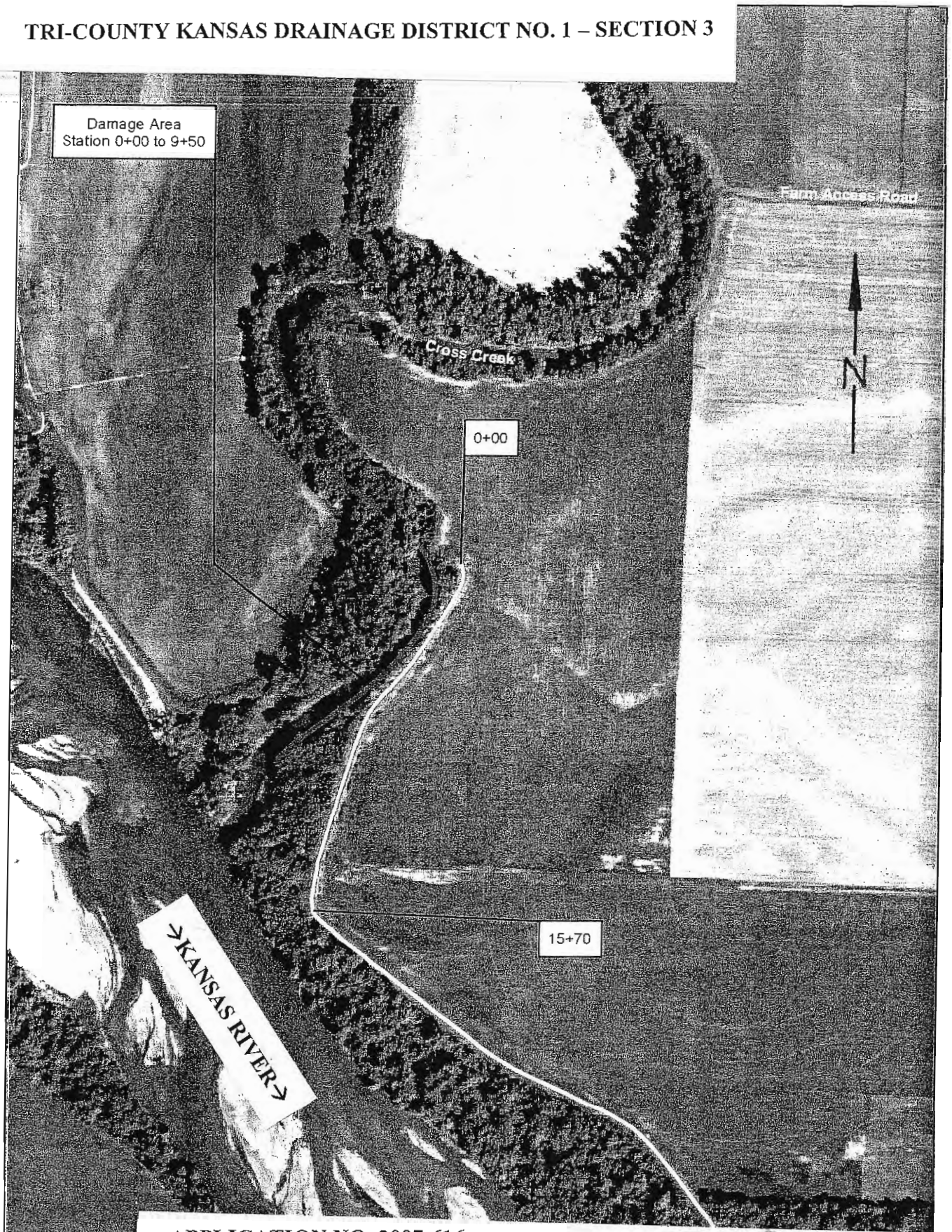
PROJECT: EARTHEN LEVEE REPAIR / P.L. 84-99

LOCATION: LDB and RDB of CROSS CREEK, SHAWNEE COUNTY, KANSAS

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TRI-COUNTY KANSAS DRAINAGE DISTRICT NO. 1 – SECTION 3



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APPLICANT: TRI-COUNTY KANSAS DRAINAGE DISTRICT NO. 1

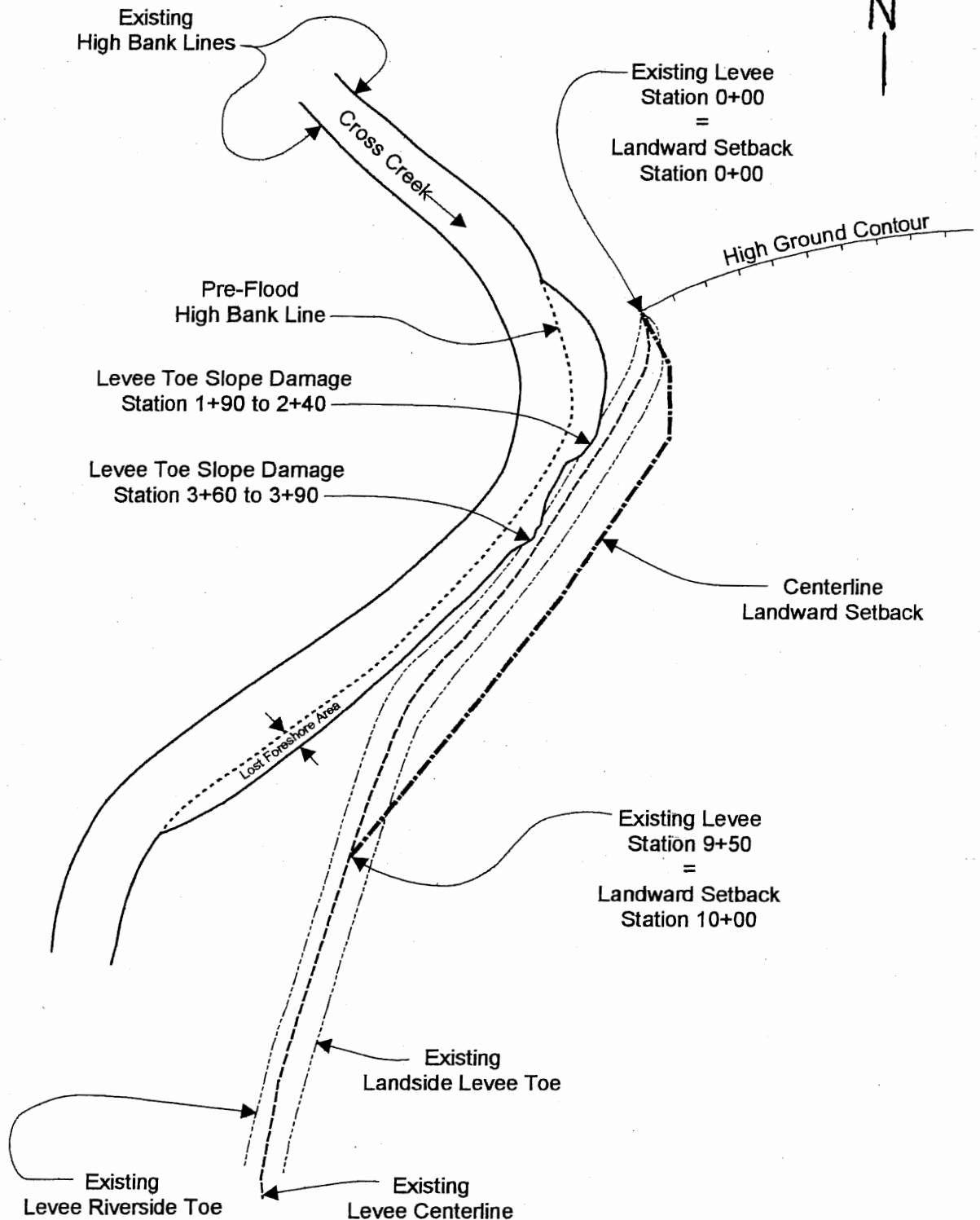
PROJECT: EARTHEN LEVEE REPAIR / P.L. 84-99

LOCATION: LDB and RDB of CROSS CREEK, SHAWNEE COUNTY, KANSAS

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TRI-COUNTY KANSAS DRAINAGE DISTRICT NO. 1 – SECTION 3



APPLICATION NO. 2007-616

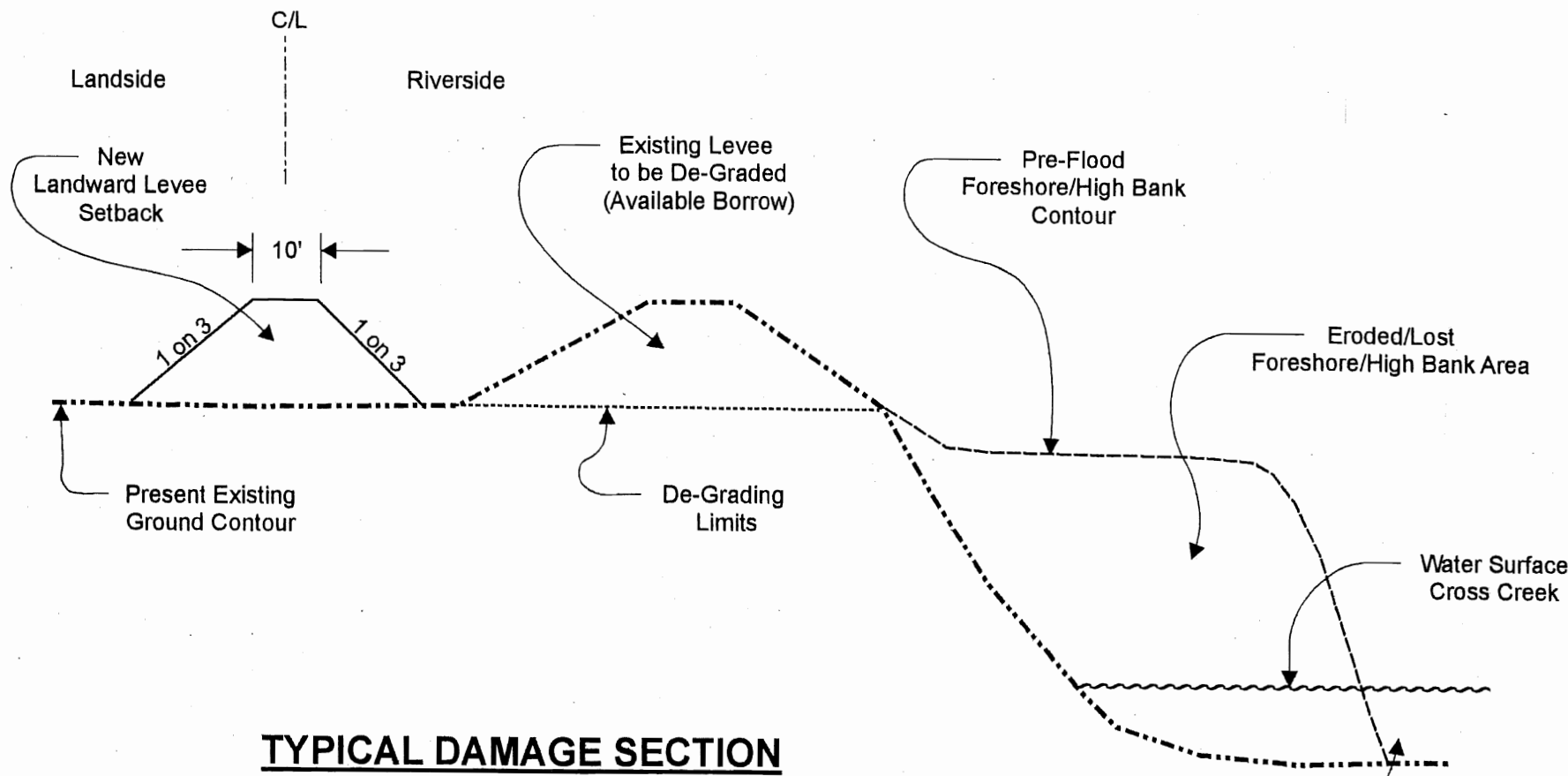
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PAGE 6 of 7, DATED 11 MAY 2007



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To Restore Lost Foreshore/High Bank Area to Pre-Flood Contour Conditions Would Require Constructing a Stone Toe Trench Revetment Structure in this Location.